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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/477,703 06/07/95 HINDERKS

M RCH-22164-G-

EXAMINER

KAMEN, N

ART UNIT

PAPER NUMBER

9

34M1/0930  
WATSON COLE STEVENS DAVIS, P.L.L.C.  
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DATE MAILED:

09/30/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on June 7, 1995

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 21-39 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

### **Part III ACTION**

1. The preliminary amendment has now been entered. Claims 21-39 are pending.
2. A full action on the merits of this case cannot be properly undertaken because of the nebulous nature and poor construction of the claims.

#### **Applicant is required to:**

##### **A) provide a courtesy copy of the claims with each element numbered and to exact figure to which it is directed.**

From a cursory reading of the ten! (10) independent claims, it appears that a restriction and election are essential. Additionally, a provisional double patenting rejection is possible with respect to copending application 08/441,117. Applicant should closely review the claims in both cases.

##### **B) amend the claims to provide a clear structurally unified assembly.**

For example, in claim 21, the functional language must have clear structural support. What elements operate to "...permitting flow ...to and from..."? Many claims recite a closed end, but then set forth a projecting portion which pierces the closed end. Claims 30 and 36 depend on themselves. Claim 31 depends from claim 38. Claims 31-39 are vaguely descriptive.

##### **C) precisely identify the areas of the specification which provide antecedent support for the claim language.**

The specification sets forth many different embodiments and many subcombinations. However, some of the subcombinations are not useable with each other; therefore, a claim might improperly depend on another. For example, a claim directed to figure 354 could not depend from a claim directed to figure 385.


3. With the above steps taken a complete and detailed action will be taken, including the identification of allowable subject

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matter. While this action is out of the ordinary, so is a disclosure with **252 written pages!** and **468 figures!**

4. Inquiries concerning the examiner's actions should be directed to Noah Kamen at (703)308-1945. The supervisory examiner, Henry Yuen, can be called at 308-1946. The fax number is 305-3463. Questions of a general nature concerning the application should be directed to the group receptionist at 308-0861.

  
NOAH KAMEN  
PRIMARY EXAMINER  
ART UNIT 3402

NK  
September 24, 1996